

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED

United States District Court
Albuquerque, New Mexico

United States of America

v.

Eugene Samuel OUTZ III

Case No. 20mj1504

Mitchell R. Elfers
Clerk of Court*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 23, 2020 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC §§ 841(a)(1), (b)(1)(B)	Possession with Intent to Distribute 100 Grams and More of Heroin;
18 U.S.C. §§ 924(C)	Possession of a Firearm in Furtherance of Drug Trafficking; and
18 U.S.C. §§ 922(g)(1) and 924	Felon in Possession of a Firearm.

This criminal complaint is based on these facts:

The affidavit of Speical Agent Jason Jones is incorpoarted herein by reference.

☒ Continued on the attached sheet.*Complainant's signature*

Jason P. Jones, DEA Special Agent

Printed name and title

Electronically submitted to me and telephonically sworn.

Date: 09/01/2020*Judge's signature*City and state: Albuquerque, New Mexico

Kirtan Khalsa, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Jason P. Jones, Special Agent of the Drug Enforcement Administration ("DEA"), being duly sworn, depose and state as follows:

I am a Special Agent for the DEA, United States Department of Justice. Prior to becoming a Special Agent, I was a police officer with the Metropolitan Police Department in Washington, DC for five years. I have been a Special Agent with DEA since 2018. As such, I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations and to make arrests for criminal offenses, to include those enumerated in 18 U.S.C. § 2516.

As a Metropolitan Police officer, my duties included being a patrol officer, enforcing the District of Columbia traffic laws and regulations. Later, I was assigned to the Gun Recovery Unit, conducting investigation on the illegal purchase and carrying off firearms. My experience as a Special Agent ("SA") includes, but is not limited to, conducting surveillance, writing affidavits for and executing search warrants, and working with undercover agents and informants. I have received training and have experience in the investigation of violations of the federal drug and money laundering laws, including the offenses listed below. I have participated in the investigation of drug trafficking conspiracies, including participation in Title III investigations. As a result, I am, and agents assisting in this investigation are, familiar with matters including, but not limited to, the means and methods used by persons and drug trafficking organizations ("DTOs") to purchase, transport, store, and distribute drugs and to hide profits generated from those transactions. I also have experience in interpreting and analyzing drug codes and cryptic dialogue used by drug traffickers. I am aware that DTOs are concerned about the efforts law enforcement makes to disrupt and dismantle their activities.

The facts set forth in this affidavit are known to me as a result of my investigation and interviews with other agents and law enforcement officers. These are not all the facts known to me throughout the course of this investigation, but rather only those that are essential to establish probable cause for charging a complaint against Eugene Samuel OUTZ III for the federal violations listed herein.

This Affidavit is made in support of the issuance of a Criminal Complaint charging Eugene Samuel OUTZ III with possession with intent to distribute 100 grams and more of heroin in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), possession of a firearm in furtherance of a drug trafficking in violation of 18 U.S.C. § 924(c), and felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924.

PROBABLE CAUSE

On August 23, 2020, officers with the Albuquerque Police Department ("APD") conducted a traffic stop on a 2013 Silver Ford Fiesta in reference to an aggravated assault. The driver and sole occupant of the Fiesta was identified as Eugene Samuel OUTZ III. Officers detained OUTZ for questioning about the aggravated assault.

After being advised of and agreeing to waive his Miranda Rights, OUTZ admitted to law enforcement that there was a firearm in the vehicle. OUTZ further admitted that he is a convicted felon. APD sealed the 2013 Silver Ford Fiesta pending a search warrant and impounded the vehicle.

On August 30, 2020, law enforcement searched the 2013 Silver Ford Fiesta pursuant to a state search warrant. In the center console, law enforcement located a loaded silver Taurus PT 145 Pro pistol with one cartridge in the chamber and three clear baggies containing a brown substance. The total weight of the substance was 169.8 gross grams. The substance was field test that yielded a presumptive positive result for heroin. Based on my training and experience, this amount of heroin is consistent with a trafficking quantity and not personal use.

A criminal history check using a law enforcement database revealed that in 2011, OUTZ was arrested by Fort Lauderdale Police Department for felony possession of cocaine, convicted and sentenced to three years, six months and eight days in prison. The firearm was not manufactured in the state of New Mexico, and, as such, it had traveled in interstate commerce prior to being located in OUTZ' vehicle.

Between the time OUTZ' vehicle was impounded on August 23, 2020², and when law enforcement executed the search warrant on August 30, 2020, OUTZ attempted to break into his vehicle at the impound lot. OUTZ also attempted to bribe employees in an attempt to get into his vehicle in order to retrieve the illegal drugs and firearm.

Based on the aforementioned information, there is probable cause to believe that on or about August 23, 2020, Eugene Samuel OUTZ III committed violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), that being possession with intent to distribute 100 grams and more of heroin, 18 U.S.C. § 924(c), that being possession of a firearm in furtherance of drug trafficking, and 18 U.S.C. § 922(a)(1) and 924, that being felon in possession of a firearm.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Jason Jones
Special Agent
U.S. Drug Enforcement Administration
Albuquerque District Office

Electronically submitted to me and telephonically sworn on this the 1st day of September, 2020:



The Honorable Kirtan Khalsa, United States Magistrate Judge
District of New Mexico
Albuquerque, New Mexico